

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

**IN RE:
DONALD WARD**

Debtor

) **CASE NO: 10-46879-399**
) **Chapter 13**
)
) **Response Due: 09/08/2011**
)
)

**TRUSTEE'S MOTION TO DISMISS FOR FAILURE TO MAKE PLAN PAYMENTS
AND NOTICE**

COMES NOW John V. LaBarge, Jr., Standing Chapter 13 Trustee in Bankruptcy, and for his Motion to Dismiss states as follows:

1. That the above-captioned case was filed on June 19, 2010. The debtor's plan proposes to pay the sum of \$510.00 per month.
2. Pursuant to 11 U.S.C. § 1326(a)(1) the debtor's first payment was due on July 19, 2010.
3. That the Trustee has received payments from the debtor over the last nine months as set forth in Exhibit A, attached hereto.
4. That the amount due to the Trustee to date is \$7,050.00 but the total paid into the plan to date is \$6,030.00.
5. That the debtor is \$1,020.00 in default through August 18, 2011.

WHEREFORE the Trustee prays the Court enter its order dismissing this Chapter 13 case for failure to make plan payments.

NOTICE OF FILING OF MOTION TO DISMISS

Please take notice that the Chapter 13 Trustee has filed a Motion to Dismiss. Any responsive pleadings including an amended plan, if one is to be filed, must be filed in writing with the U.S. Bankruptcy Court, 111 S 10TH ST 4TH FL, ST LOUIS, MO 63102, and with the Chapter 13 Trustee at the address indicated below, within 21 days of the date of this notice. If no responsive pleading is filed, the motion may be granted without further notice to any party upon submission of an order from the Trustee. If a response is filed, this matter will be set for hearing upon subsequent notice.

The undersigned hereby certifies that a copy of the foregoing motion and notice was served upon the following either through the Court's ECF system or by regular mail this day of August 18, 2011.

Dated: August 18, 2011

MTDPYM--GV

/s/ John V. Labarge, Jr.

John V. Labarge, Jr.

Standing Chapter 13 Trustee

P.O. Box 430908

St. Louis, MO 63143

(314) 781-8100 Fax: (314) 781-8881

trust33@ch13stl.com

DONALD WARD
9 VALLEY ROAD
SAINT CHARLES, MO 63303

HEAGLER LAW FIRM
6302 N ROSEBURY
STE 1W
CLAYTON, MO 63105

EXHIBIT A

RECEIPTS FROM 11/17/2010 TO 08/18/2011

Receipt Date	Receipt Amount	Receipt Type
12/14/2010	\$300.00	MONEY ORDER FROM DEBTOR
12/14/2010	\$280.00	MONEY ORDER FROM DEBTOR
01/27/2011	\$300.00	MONEY ORDER FROM DEBTOR
01/27/2011	\$280.00	MONEY ORDER FROM DEBTOR
02/04/2011	\$280.00	MONEY ORDER FROM DEBTOR
02/04/2011	\$300.00	MONEY ORDER FROM DEBTOR
03/21/2011	\$210.00	MONEY ORDER FROM DEBTOR
03/21/2011	\$300.00	MONEY ORDER FROM DEBTOR
05/06/2011	\$30.00	MONEY ORDER FROM DEBTOR
05/06/2011	\$300.00	MONEY ORDER FROM DEBTOR
05/06/2011	\$300.00	MONEY ORDER FROM DEBTOR
05/06/2011	\$300.00	MONEY ORDER FROM DEBTOR
05/06/2011	\$300.00	MONEY ORDER FROM DEBTOR
05/06/2011	\$300.00	MONEY ORDER FROM DEBTOR
06/22/2011	\$210.00	MONEY ORDER FROM DEBTOR
06/22/2011	\$300.00	MONEY ORDER FROM DEBTOR